

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. The Department calculated the petitioner's eligibility by subjecting both her and her husband's gross monthly incomes to a \$150 deduction based on their

elderly/disabled status. The remainder, \$1,218.78 (\$1,518.78 minus \$300), was compared to the maximum allowable under the regulations, which is \$1,210. Because their net income was \$8 in excess of this maximum, it made them ineligible for the program.

ORDER

The decision of the Office of Home Heating Assistance of PATH is affirmed.

REASONS

The regulations governing the fuel program provide that a two-person household with a net income more than \$1,210 (125 percent of federal poverty guidelines) is financially ineligible for benefits. W.A.M. § 2904.1 and P-2905 A. Unfortunately the petitioner's and her husband's net income is \$8 in excess of the program maximum. The only exclusion from gross income for which the petitioner and her husband qualify is \$150 each based on their age and disability. W.A.M. § 2904.3.

Although the petitioner's and her husband's net income is only \$8 in excess of the maximum, the regulations are clear that they cannot receive heating assistance under the regular

fuel program for this winter. The Board is thus bound to affirm the Department's decision. 3 V.S.A. § 1391(d), Fair Hearing Rule 17.¹

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¹At the hearing in this matter, held on November 20, 2001, the petitioner's daughter, who acted in the petitioner's behalf, was informed of the "crisis" fuel program that she can apply for through the local community action program if an emergency need for fuel arises this winter.